

Appl. No. 10/797,423
Docket No. 9181
Amdt. dated April 23, 2008
Reply to Office Action mailed on February 11, 2008
Customer No. 27752

REMARKS

Claim Status

Claims 21 - 33 are pending in the present application. No additional claims fee is believed to be due.

Rejection Under 35 USC §112, First Paragraph

Claims 21-33 have been rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Applicants respectfully traverse the rejection.

The Office Action states that “the claim(s) contains subject matter which was not described the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.” (The Office Action, page 2). Specifically, the Office Action states “[t]here does not appear to be support for the high loft batting material having a higher basis weight than the nonwoven sheet where in the nonwoven sheet is C-folded around the high loft batting material.” (*Id.*).

The present application discloses that “[t]he first nonwoven sheet member 20 is a laminate having three layers. In first nonwoven sheet member 20 layer 35 is folded around layer 95 in a “C-like” fold, thereby forming the three-layer laminate.” (The present application, page 7, lines 17-19). The present application also discloses that “[i]n one embodiment of the present invention one of the nonwoven sheet members is a high loft batting material having a basis weight of from about 50 gsm to about 80 gsm. (The present application, page 10, line 32-33). The present application further discloses that “the nonwoven sheet members can each comprise a hydroentangled material having a basis weight of about 62 grams per square meter . . . the nonwoven sheet members can comprise a laminate of two outer hydroentangled materials, such as nonwoven material of polyester fibers having a basis weight of about 30 grams per square meter” (The present application, page 12, lines 27-33).

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Thus, Applicants submit that one of ordinary skill in the art would appreciate that a high loft batting layer having a basis weight of up to 80 gsm can be selected and a nonwoven sheet having a basis weight of less than 80 gsm, for example, 62 gsm or 30 gsm can be selected. Applicants submit that the above disclosure provides adequate support for the features recited in claim 1.

In addition, the present application discloses that “[a]dditional information on retaining aids and cleansing mitt containing them may be found in copending U.S. Provisional Patent Application No. 60/453,166 filed on March 10, 2003, entitled “Disposable Nonwoven Cleansing Mitt” in the name of Benjamin et al., (P&G Docket Number 9180PQ).” The present application also discloses that “[a]ll documents cited in the Detailed Description of the Invention are, in relevant part, incorporated herein by reference.” (The present application, page 19, lines 6-8).

In order to properly incorporate by reference, the incorporation by reference must be set forth in the specification and must (1) express a clear intent to incorporate by reference using the root words “incorporat(e)” and “reference;” and (2) clearly identify the referenced patent, application, or publication. (37 CFR §1.57(b)). In view of the foregoing, Applicants submit that the present specification complies with the requirements of 37 CFR §1.57(b), and that U.S. Provisional Patent Application No. 60/453,166 (hereinafter ‘166) is properly incorporated by reference.

‘166 discloses “[a] child’s bathing mitt comprising a first member which is a 60 gsm polyester nonwoven high loft batting material, Proef 1297 available from Libeltex of Meulebeke Belgium, around which is C-folded an 18 gsm carded 100% polypropylene nonwoven material.” (‘166, page 19, lines 19-21). Thus, it can be seen that there is clear support for a nonwoven sheet being C-folded around a high loft batting material wherein the high loft batting material has a higher basis weight than the nonwoven sheet, as recited in claim 21 of the present application.

In light of the above remarks, it is Applicants’ position that claim 21 and the claims depending therefrom are fully supported by the specification of the present application.

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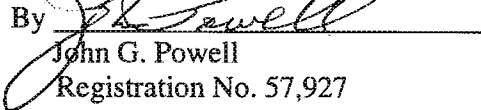
Accordingly, Applicants respectfully request that the rejection of claims 21-33 be withdrawn.

Conclusion

This response represents an earnest effort to place the present application in proper form and to distinguish the invention as claimed from the applied reference(s). In view of the foregoing reconsideration of this application and allowance of the pending claim(s) are respectfully requested.

Respectfully submitted,

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